

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

VOLTERRA SEMICONDUCTOR
LLC,

Plaintiff,

V.

MONOLITHIC POWER SYSTEMS,
INC.,

Defendant.

Redacted - Public Version

C.A. No. 19-2240-CFC-SRF

**DEFENDANT MONOLITHIC POWER SYSTEMS, INC'S
CONCISE STATEMENT OF FACTS IN SUPPORT OF THEIR
MOTION FOR SUMMARY JUDGMENT (NO. 2)
(NO INDUCED OR WILLFUL INFRINGEMENT
FOR THE '408 AND '955 PATENTS)**

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Dated: November 19, 2021

EXHIBITS TABLE

Exhibit	Description	Pages
Exhibit 5	Volterra's Infringement Contentions (Oct. 14, 2020)	
Exhibit 6	Volterra's Second Supplemental Responses to MPS's Interrogatories Nos. 1-6	
Exhibit 7	MPS's Fifth Supplemental Responses to Volterra's Interrogatories Nos. 1-28	
Exhibit 8	'986 Patent	
Exhibit 9	'408 Patent	
Exhibit 10	'955 Patent	
Exhibit 11	Deposition Transcript of R. Tso	
Exhibit 12	[REDACTED]	
Exhibit 13	[REDACTED]	
Exhibit 14	Deposition Transcript of D. Huang	
Exhibit 15	Deposition Transcript of R. Khalid	
Exhibit 16	[REDACTED]	
Exhibit 17	Deposition Transcript of A. Abou-Alfotouh	
Exhibit 18	[REDACTED]	

Exhibit	Description	Pages
Exhibit 19	Dissertation of Dr. Jinghai Zhou	
Exhibit 20	Deposition Transcript of J. Zhou	
Exhibit 21	Copy of LinkedIn webpage of Dr. Y. Dong	
Exhibit 22		
Exhibit 23	Volterra's Opening Expert Report on Infringement	
Exhibit 24	Dissertation of Dr. Yan Dong	
Exhibit 25	§ 10:36, Basic Elements of Inducing Infringement, 2 Annotated Patent Digest	
Exhibit 26	Transcript of September 10, 2020 Scheduling Conference	

1. The 6,362,986 patent is not in the same patent family as either the 7,525,408 or 7,772,955 patents. *Compare* Ex. 8 with Ex. 9 and Ex. 10.

2. MPS has maintained that it lacked pre-suit knowledge of the '408 and the '955 patents, as it has informed Volterra. Ex. 7, p. 10; Ex. 14, 108:13-20; 111:11-23; Ex. 11, 73:14-17; 74:24-75:02; 76:05-15.

3. Volterra alleged in its Second Amended Complaint that MPS had pre-suit knowledge of the '408 and '955 patents based on: (1) notifications from component manufacturer [REDACTED]; (2) discussions with [REDACTED] (3) discussions with a NVIDIA Corporation engineer; (4) dissertations by Dr. Jinghai Zhou and Dr. Yan Dong; and (5) the reputation of Volterra's coupled inductor IP within the industry. D.I. 71, ¶¶45, 63. Volterra's operative Infringement Contentions incorporate the above allegations by reference. Ex. 5, p. 25-38.

4. Fact Discovery Closed on September 7, 2021. D.I. 195.

5. Regarding the first allegation, no communication between [REDACTED] and MPS referring to either '408 or '955 patent was produced during discovery.

6. [REDACTED] email communication to MPS did not reference either the '408 or the '955 patents. Ex. 11, 45:20-24 and Ex. 12.

7. No deponent testified that [REDACTED] specifically notified MPS of the '408 or '955 patent.

8. Regarding the second allegation, no communications between [REDACTED] and MPS referring to either '408 or '955 patent was produced during discovery.

9. No deponent testified that [REDACTED] notified MPS of the '408 or '955 patent.

10. Volterra employee Rizwan Khalid's testimony identifies a text chain between him and an [REDACTED] employee discussing [REDACTED] communication with [REDACTED] but this [REDACTED] makes no reference to any specific patents being discussed. Ex. 15, 25:9-17; 33:7-38:7; Ex. 16.

11. No [REDACTED] employee verified this hearsay.

12. Regarding the third allegation, no communication between any NVIDIA engineer and MPS referring to either '408 or '955 patent was produced during discovery.

13. No deponent testified that any discussions between NVIDIA Engineers and MPS referred to '408 or '955 patent.

14. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

15. Regarding the fourth allegation, Dr. Zhou's dissertation does not have citations to either the '408 or '955 patents. *See* Ex. 19, MAXIM_11507-11516. Dr. Zhou's dissertation is dated April 22, 2005, and predates the issuance of the '408 and '955 patents, which were issued on April 28, 2009 and August 10, 2010 respectively. *Compare* Ex. 19, MAXIM_11320 *with* Ex. 9 *and* Ex. 10.

16. Dr. Zhou did not testify that he was aware of either '408 or '955 patent. Ex. 20, 166:20-24; 168:03-05.

17. Dr. Dong's dissertation also does not contain any citations to the '408 or '955 patents, but instead only "cites to several papers by Mr. Sullivan." *See* Ex. 5, pp. 17-18, 20-21; Ex. 24, MAXIM_11040-11046 at nn. 14, 40-42, 53-54.

18. Dr. Dong was not deposed.

19. Regarding the fifth allegation, while MPS was generally aware of the existence of Volterra as a company, MPS has maintained it was not familiar with Volterra's work or its products. Ex. 20, 113:10-21; Ex. 14, 49:22-50:06.

20. Further, coupled inductors are a technology that predated the asserted patents in this case. Ex. 8, 1:48-59; Ex. 9, 1:59-2:17; Ex. 10, 1:59-2:17; Ex. 20, 15:14-20.

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**CERTIFICATE OF COMPLIANCE WITH STANDING ORDER
REGARDING BRIEFING**

I hereby certify that the foregoing **Defendant Monolithic Power Systems, Inc's Concise Statement of Facts In Support Of Their Motion For Summary Judgment (No. 2) (No Induced Or Willful Infringement For The '408 And '955 Patents)** complies with the typeface requirements and word limits of Paragraph 20(c) of the Scheduling Order entered in this case (D.I. 69). This brief has been prepared in 14-Point Times New Roman and contains 616 words, excluding the cover page, table of contents, table of authorities, signature block, and this certificate of compliance.

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CERTIFICATE OF SERVICE

I, Nathan R. Hoeschen, hereby certify that on November 19, 2021,
this document was served on the persons listed below in the manner indicated:

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